

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**
Wednesday, October 21, 2015 – 8:51 a.m. – Room 20 House Building

Members Present:

Sen. Margaret Dayton, Senate Chair
Rep. Jack R. Draxler, House Chair
Sen. Lyle W. Hillyard
Sen. Jani Iwamoto
Sen. Alvin B. Jackson
Sen. Scott K. Jenkins
Rep. Patrice M. Arent
Rep. Fred C. Cox
Rep. Brad M. Daw
Rep. Sophia M. DiCaro
Rep. Brian M. Greene

Rep. Brian S. King
Rep. Merrill F. Nelson
Rep. Curtis Oda
Rep. Lee B. Perry
Rep. Jeremy A. Peterson
Rep. Dean Sanpei

Staff Present:

Mr. Brian J. Bean, Policy Analyst
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Katie LeFevre, Legislative Assistant

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Dayton called the meeting to order at 8:51 a.m.

MOTION: Rep. Draxler moved to approve the minutes of the August 19, 2015, meeting. The motion passed unanimously with Rep. Daw, Rep. King, and Rep. Oda absent for the vote.

2. Draft Legislation: "State Facility Energy Efficiency Fund Amendments"

Sen. Jenkins presented draft legislation "State Facility Energy Efficiency Amendments" (2016FL-0194/003). He explained that energy efficiency savings from the State Facility Energy Efficiency Fund are currently calculated using pre-construction measures. He expressed that savings should instead be calculated using post-construction measurements.

Mr. John Harrington, Energy Office Manager, Division of Facilities Construction and Management, distributed "Energy Efficiency Handout." He explained how Rocky Mountain Power and the Division of Facilities Construction and Management calculate energy savings. He explained that using meters to verify energy efficiency savings would cost a great deal and would achieve minimal savings. Mr. Harrington suggested that the word "metering" be removed from line 61 of the legislation. He explained that the expense and challenges associated with metering could inhibit future projects.

Sen. Jenkins explained that the legislation does not specifically require metering, but rather states that the Division of Facilities Construction and Management shall use "metering or similar means." He expressed that if the word "metering" were removed, the bill should clarify that the energy efficiency savings should be verified after construction. He clarified that the purpose of the legislation is to measure the fund's effectiveness, not to add additional costs.

Mr. Sanjiv Devnani, engineer, kW Engineering, explained that kW Engineering is one of many consultants that provide support to Rocky Mountain Power. He informed the committee that Rocky Mountain Power pays the engineering expenses for projects funded through the State Facilities Energy Efficiency Fund, including some post-installment verification. He explained that the measurement options

for energy savings depend on the type of project. He explained that the calculations for savings verifications rely on engineering.

Mr. Jacob Cain, Director of Operations, Weber State University, explained that it would be difficult to spend additional resources to verify energy savings on a relatively small project. He informed the committee that Weber State University has few meters, making it impossible to verify cost savings on small projects. He told the committee that engineering is used to calculate energy savings, which is feasible on large projects but not practical on small projects because of the intensive time it requires.

Mr. Jeff Wrigley, Energy Manager, University of Utah, informed the committee that the University of Utah would like the flexibility to determine a method of verifying energy efficiency savings on a project-by-project basis. He explained that some projects may only require a simple post-construction verification.

Sen. Jenkins responded to questions from the committee.

MOTION: Sen. Jenkins moved to approve draft legislation "State Facility Energy Efficiency Fund Amendments" as a committee bill.

SUBSTITUTE MOTION: Rep. Arent moved to amend draft legislation "State Facility Energy Efficiency Fund Amendments" as follows:

(ii) a method of monitoring actual savings resulting from energy efficiency measures implemented using loan money from the fund, using objective { } and verifiable { metering or similar means to measure the savings } post-construction measures, if available .

The motion passed unanimously with Rep. Daw, Rep. King, and Rep. Oda absent for the vote.

MOTION: Sen. Jenkins moved to approve, as amended, draft legislation "State Facility Energy Efficiency Fund Amendments" as a committee bill. The motion passed unanimously with Rep. Daw, Rep. King, and Rep. Oda absent for the vote.

3. Report from the Free Market Protection and Privatization Board

Mr. Cliff Strachan, Privatization Program Specialist, Governor's Office on Management and Budget, referred to the "Free Market Protection and Privatization Board Annual Interim Report." He updated the committee on the Property Damage Subrogation Pilot Program and the Student Information System. He informed the committee of additional projects the board is working on which are related to health, alcoholic beverage control, and transportation.

4. Report from the Commission on Federalism

Mr. Johnathon Ball, Director, Office of the Legislative Fiscal Analyst, presented "Federal Funding Risk Projections," an online tool that models the impact of a hypothetical federal funding crisis. He shared examples of how the tool could be used. He explained that the tool is available to the public and demonstrated how to use the online tool.

Rep. Ivory discussed the education component of the Commission on Federalism. He explained how the commission partnered with Utah Valley University in August to administer a conference on the principles

of federalism that was held in October. He discussed the commission's current efforts to develop an online curriculum to educate the public on federalism.

Chair Dayton relinquished the chair to Rep. Draxler.

5. Draft Legislation: "Absentee Ballot Amendments"

Mr. Ricky Hatch, County Clerk, Weber County, explained that draft legislation "Absentee Ballot Amendments" (2016FL-0407/005) adjusts the deadline for counties to mail ballots in an election administered entirely by mail. He described that the bill would change the mailing deadline from 28 to 21 days before an election. He explained that receiving a ballot too early might confuse voters. He discussed the other benefits of adjusting the deadline. Mr. Hatch responded to questions from the committee.

The committee received public comment.

Ms. Jenn Gonnely, Co-President, Utah League of Women Voters, identified her concerns regarding voting by mail. She explained that some counties only mail ballots to active voters and expressed her opinion that ballots should be mailed to all voters. She expressed her support of election day voting centers, explaining that they accommodate people who may not have received a ballot. Chair Draxler invited Ms. Gonnely to work with the county clerks regarding her suggestions.

Mr. Justin Lee, Deputy Director of Elections, Office of the Lieutenant Governor, informed the committee that his office is working on an online tool that would allow a voter to look up whether the voter is an active voter. He said the tool is expected to be finished for the 2016 elections. He also expressed the Office of the Lieutenant Governor's support for the draft legislation.

MOTION: Sen. Dayton moved to approve draft legislation "Absentee Ballot Amendments" as a committee bill. The motion passed unanimously with Sen. Hillyard, Rep. Daw, Rep. Greene, and Rep. King absent for the vote.

6. Draft Legislation: "Ballot Amendments"

Mr. Hatch explained that draft legislation "Ballot Amendments" (2016FL-0405/006) establishes the order for items to appear on the ballot. He discussed the inconsistency of ballot construction across different counties. He continued explaining that the bill gives the county clerks authority to print on both sides of the ballot and clarifies where a write-in candidate is placed on the ballot.

Mr. Hatch responded to questions from the committee regarding write-in candidates and metro township ballots.

The committee received public comment.

Ms. Donnelly informed the committee that the League of Women Voters is in support of the draft legislation and suggested moving straight-ticket voting to the end of the ballot.

MOTION: Sen. Dayton moved to approve draft legislation "Ballot Amendments" as a committee bill. The motion passed unanimously with Sen. Hillyard, Rep. Daw, and Rep. Greene absent for the vote.

7. Draft Legislation: "Election Notice Amendments"

Mr. Hatch explained that statute requires that each year a county must print a notice in a newspaper informing voters of the polling location for each precinct. He explained that Salt Lake County spends approximately \$40,000 each year to publish the required notice, yet many voters do not know their precinct, making the notice ineffective. He explained that "Election Notice Amendments" (2016FL-0406/004) gives election officials the option to print a smaller notice in the newspaper, or to mail a notice to each registered voter, with directions on where to obtain precinct polling locations online.

Mr. Hatch and Sen. Dayton responded to questions from the committee regarding potential savings and newspaper notices.

Ms. Roseanne Mitchell, Election Director, Salt Lake County, explained that Salt Lake County currently mails a notice to all voters and also publishes a notice in the newspaper. She explained that this year's notice cost the county \$29,000. She highlighted the effectiveness and efficiency of vote.utah.gov. Ms. Mitchell explained the county's additional efforts to provide election notices. She expressed Salt Lake County's support for draft legislation "Election Notice Amendments."

The committee received public comment.

Mr. Trent Eyre, President, Utah Press Association, expressed that the draft legislation concerns the Utah Press Association, the Media Coalition, and the Utah Media Group. He explained that there are multiple benefits of printed election notices that cannot be ignored. He stated that the Utah Press Association is able to address concerns with existing statute and could provide more information.

Mr. Lincoln Shurtz, Director of Government Affairs, Utah Association of Counties, informed the committee that the Utah Press Association had valid concerns and promised to work with them regarding their concerns.

Mr. Lee informed the committee that the Office of the Lieutenant Governor supports draft legislation "Election Notice Amendments" and expressed appreciation for the options it provides for county clerks to provide election notices.

MOTION: Sen. Dayton moved to approve draft legislation "Election Notice Amendments" as a committee bill.

SUBSTITUTE MOTION: Rep. King moved to hold draft legislation "Election Notice Amendments" until the November interim meeting to allow concerned groups to work with the sponsor on the bill. The substitute motion failed with Sen. Iwamoto, Rep. Arent, and Rep. King voting in favor. Sen. Hillyard was absent for the vote.

The original motion passed with Sen. Iwamoto, Rep. Arent, and Rep. King voting in opposition. Sen. Hillyard was absent for the vote.

8. Other Items/Adjourn

MOTION: Rep. Perry moved to adjourn the meeting. The motion passed unanimously with Sen. Hillyard absent for the vote.

Chair Draxler adjourned the meeting at 11:07 a.m.